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General Assembly

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A/C.5/48/L.61
8 April 1994

ORIGINAL: ENGLISH

Forty-eighth session
FIFTH COMMITTEE
Agenda item 159

FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Draft resolution submitted by the Chairman

The General Assembly,

Recalling its decision 48/461 of 23 December 1993, by which it authorized the Secretary-General to enter into commitments not exceeding $5.6 million for the first six months of 1994 in respect of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Having considered the reports of the Secretary-General 1/ and the related reports of the Advisory Committee on Administrative and Budgetary Questions, 2/ and bearing in mind the letter dated 18 February 1994 from the President of the International Tribunal to the Chairman of the Fifth Committee of the General Assembly, 3/

Affirming that the International Tribunal must be assured of secure and stable financing so that it may fulfil its role in full and effectively,

Taking into account the views expressed by Member States in the Fifth Committee,

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1/ A/C.5/48/36 and A/C.5/48/44 and Add.1.

2/ A/48/765 and A/48/915.

3/ A/C.5/48/68.

1. Reaffirms its resolution 47/235 of 14 September 1993;

2. Endorses the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions, 2/ subject to the provisions of the present resolution;

3. Expresses its appreciation to the Governments that have provided or pledged voluntary financial contributions for the International Tribunal and notes with satisfaction that those contributions have been provided unconditionally;

4. Invites Member States to make further voluntary contributions to the International Tribunal;

5. Stresses that the acceptance of voluntary contributions in kind or in personnel, as well as voluntary financial contributions, must be consistent with the need to ensure the impartiality and independence of the International Tribunal at all times and that such contributions should be considered supplementary to the assessed contributions;

6. Requests the Secretary-General to report on the acceptance and use of voluntary contributions, particularly those in kind or in personnel, pursuant to paragraph 5 above, no later than 31 December 1994;

7. Accepts The Hague, the Netherlands, as the seat for the International Tribunal established by the Security Council in its resolution 827 (1993) of 25 May 1993 for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Council upon the restoration of peace;

8. Notes that the Secretary-General has not yet submitted a detailed report on the requirements of the International Tribunal, and in particular a justification of the numbers and levels of staff, post classification and the possibility of providing common administrative services, and requests the Secretary-General to submit a complete detailed budget estimate for the operation of the International Tribunal at the earliest opportunity during the forty-ninth regular session of the General Assembly;

9. Authorizes the Secretary-General to enter into commitments for the International Tribunal in an amount not to exceed 11 million dollars, including the amount of 5.6 million dollars it authorized in its decision 48/461 of 23 December 1993, for the period 1 January to 31 December 1994;

10. Also authorizes the Secretary-General to make the necessary arrangements, including the signing of the lease agreement for the premises of the International Tribunal, to ensure that it is provided with adequate facilities and necessary staff resources and to report to the General Assembly through the budget performance report;

11. Requests the Secretary-General to submit to the General Assembly, through the Advisory Committee on Administrative and Budgetary Questions, a

further report on the conditions of service of the judges, in the light of the requirements of article 13.4 of the Statute, as the work of the International Tribunal proceeds and the precise nature of the requirements of the International Tribunal clearly emerges;

12. Also requests the Secretary-General to report to the General Assembly at its forty-ninth session on the financial performance of the International Tribunal and on its requirements on the basis of experience gained during 1994.

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7 April 1994

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Forty-eighth session
FIFTH COMMITTEE
Agenda item 133

FINANCING OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA

Draft resolution submitted by the Chairman following informal consultations

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara, 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Bearing in mind Security Council resolution 690 (1991) of 29 April 1991, by which the Council established the United Nations Mission for the Referendum in Western Sahara, and its subsequent resolutions 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993 and 907 (1994) of 29 March 1994,

Recalling its decisions 47/451 A of 22 December 1992, 47/451 B of 8 April 1993, 47/451 C of 14 September 1993 and 48/467 of 23 December 1993 on the financing of the Mission,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

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1/ A/48/848.

2/ A/48/906.

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission for the Referendum in Western Sahara as at 24 March 1994, including the contributions outstanding in the amount of 20,366,381 United States dollars;

2. Expresses concern about the deteriorating financial situation with regard to peace-keeping activities owing to overdue payments by Member States of their assessments, particularly Member States in arrears;

3. Reaffirms its resolution 48/227 of 23 December 1993, and stresses the need for the Secretariat to submit budget documents on time in order to allow for a proper and thorough review and approval by the General Assembly of these budgets before their implementation;

4. Notes with satisfaction an improvement in the compliance by the Secretariat with certain General Assembly resolutions concerning the form of budget documents concerning peace-keeping operations;

5. Reaffirms the importance of the role of the Advisory Committee on Administrative and Budgetary Questions as an advisory body to the General Assembly in the budget process;

6. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, 2/ subject to the provisions of this resolution;

7. Requests the Secretary-General to take all necessary action to ensure the Mission is administered with a maximum of efficiency and economy and, in particular, to implement fully the economy, financial and efficiency measures to be approved during the resumed forty-eighth session of the General Assembly and no later than 1 May 1994 and to report on the implementation of such measures in the context of the performance report relevant to that period;

8. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the special account of the Mission promptly and in full;

9. Affirms that failure to pay the assessed contributions in full and on time, as well as the fact that the General Assembly has unfortunately been led to consider approving peace-keeping operation budgets without adequate

documentation, have damaged and continue to damage the ability of peace-keeping operations to implement their activities effectively;

10. Requests the Secretary-General to explore all possibilities in order to ensure prompt reimbursement to troop-contributing countries;

11. Takes note of the amount of 36,148,050 dollars gross (34,626,950 dollars net) expended for the maintenance of the Mission for the period from 1 December 1992 to 31 December 1993;

12. Authorizes the Secretary-General to enter into commitments for the maintenance of the United Nations Mission for the Referendum in Western Sahara up to the amount of 9 million dollars gross (8.4 million dollars net) for the period of three months from 1 January to 31 March 1994, the said amount to be utilized from the unencumbered balance of appropriations;

13. Also authorizes the Secretary-General, in the light of Security Council resolution 907 (1994), to enter into commitments for the maintenance of the Mission at a rate not to exceed 3.7 million dollars gross per month for the period 1 April to 10 May 1994, the said amount to be utilized from the unencumbered balance of appropriations;

14. Further authorizes the Secretary-General to enter into commitments for the maintenance of the Mission at a rate not to exceed 3.7 million dollars gross per month for the period 11 May to 31 July 1994, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, the said amount to be utilized from the unencumbered balance of appropriations;

15. Invites the Secretary-General, in light of Security Council resolution 907 (1994), to keep under review the senior management structure of the Mission, including a review of the modalities of employment of the Special Representative of the Secretary-General, and to report thereon to the resumed forty-eighth session of the General Assembly;

16. Invites voluntary contributions to the United Nations Mission for the Referendum in Western Sahara in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

17. Decides to keep on the agenda of its forty-eighth session the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara".